IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION No: 441 of 2005

Between:

B. Naganna, S/o. Kistamma,
R/o. Narayanapet, Mahaboobnagar District.

..... PETITIONER

AND

The APSRTC, Rep. by its Depot Manager, Narayanapet Depot, Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent herein in proceeding with the departmental enquiry pursuant to the charge sheet in Proc. No. P2/2(11)/2004, NRPT, dt. 28-12-2004 pending Criminal Case arising out of Crime No. 302/2004 of Mahaboobnagar Rural Police Station, as illegal, arbitrary, contrary to well established principles of law and as such other order or orders.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court made the following :

O R D E R:

The petitioner approached this Court through this writ petition challenging the charge sheet, issued against him on
28-12-2004. He contends that without considering the report of the Joint Enquiry Committee as prescribed in the circulars of the Corporation, the impugned charge sheet has been issued to him, which is violative of the instructions of the Corporation. Therefore, he seeks a writ of Mandamus by way of declaring that the action of the respondent in issuing the impugned proceedings dated
28-12-2004, as illegal and arbitrary.

In the charge sheet, it is mentioned that the petitioner is at liberty to submit his explanation to enable the Disciplinary Authority to consider whether it is a fit matter to be further probed.

The petitioner is at liberty to make all the submissions including the non-consideration of the enquiry report of the Joint Enquiry Committee and on raising those contentions, the respondent will have to pass appropriate orders, therefore, the writ petition cannot be maintained at this stage. Hence, the writ petition is dismissed. On submission of his explanation, the respondent is directed to pass appropriate orders by taking into consideration of the contention raised by him.

Accordingly, the writ petition is dismissed. No costs.

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25th April, 2005.

mrb

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